

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

STUART FINKELSTEIN,

Defendant.

**Affirmation in Support of
Application for Order of Continuance
19 Mag 10645**

State of New York)
County of New York) ss.
Southern District of New York)

Rushmi Bhaskaran, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Geoffrey S. Berman, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. '3161(h)(7)(A).

2. The defendant was charged in a complaint dated November 12, 2019 with violations of Title 18, United States Code, Sections 1341, 1028A, 1512(c), and 1623 (mail fraud, aggravated identity theft, obstruction of justice, and false declarations before a court). The defendant was arrested in the Southern District of Florida on November 19, 2019, presented that day before Magistrate Judge Patrick M. Hunt of the United States District Court for the Southern District of Florida, and released on a \$150,000 personal recognizance bond, among other bail conditions. On December 3, 2019, the defendant was presented before Magistrate Judge Barbara Moses. The defendant was represented by Brian Griffin, Esq. at this proceeding and ordered released on \$150,000 personal recognizance bond, in addition to other bail conditions.

3. At the presentment on December 3, 2019, defense counsel consented to a waiver of his client's right, pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure, to a preliminary hearing within 21 days of the initial appearance. Accordingly, under the Speedy Trial Act the Government initially had until January 2, 2020 within which to file an indictment or information. On January 2, 2020, Magistrate Judge Stewart D. Aaron entered an Order of Continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A), extending the time within which an indictment or information would otherwise have had to be filed in this case until February 3, 2020.

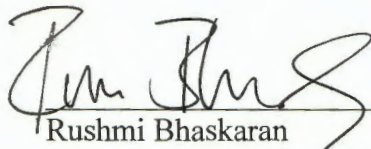
4. Defense counsel and I have had discussions regarding a possible disposition of this case. The negotiations have not been completed and we plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on February 3, 2020.

5. Therefore, the Government is requesting a 30-day continuance, until March 4, 2020, to continue the foregoing discussions and reach a disposition of this matter. On January 26, 2020, I personally spoke to defense counsel who specifically consented to this request.

6. This application has been authorized by Assistant United States Attorney Andrew Dember, Deputy Chief of the Criminal Division.

7. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York
January 30, 2020


Rushmi Bhaskaran
Assistant United States Attorney
212-637-2439